County of Los Angeles

DEPARTMENT OF PUBLIC SOCIAL SERVICES



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Board of Supervisors

PHILIP L. BROWNING Director

SHERYL L. SPILLER Chief Deputy

December 22, 2009

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The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012

Dear Supervisors:

RECOMMENDATION OF BOARD APPROVAL FOR NEW ENROLLMENT REQUIREMENTS FOR IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDERS IN AMENDMENT 17 TO AGREEMENT 72426 BETWEEN THE COUNTY OF LOS ANGELES AND THE PERSONAL ASSISTANCE SERVICES COUNCIL. (ALL DISTRICTS - 3 VOTES)

SUBJECT

Board approval is requested to add expanded new mandatory enrollment requirements for IHSS providers by Amendment 17 to Agreement 72426 between the County of Los Angeles and the Personal Assistance Services Council (PASC).

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and authorize the Director of the Department of Public Social Services or designee to sign and execute Amendment 17 (Enclosure) adding expanded new mandatory enrollment requirements for IHSS providers as part of Agreement 72426 between the County of Los Angeles and the PASC.

PURPOSE/JUSTIFICATION OR RECOMMENDED ACTION

New legislation, Assembly Bill, Fourth Extraordinary Session (ABX4 4) (Chapter 4, Statutes of 2009), and (ABX4 19) (Chapter 17, Statutes of 2009) expanded mandatory provider enrollment requirements effective November 1, 2009. Therefore, the purpose of Amendment 17 is to delineate the separate and mutual responsibilities and obligations of the County and PASC for the provision and administration of the expanded mandatory provider enrollment requirements.

"To Enrich Lives Through Effective And Caring Service"

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Implementation of Strategic Plan Goals

The recommended actions are consistent with the principles of the Countywide Strategic Plan Goal #1: Operational Effectiveness, maximize the effectiveness of processes, structure, and operations to support timely delivery of customer-orientated and efficient public services.

FISCAL IMPACT/FINANCING

Payment to PASC for the compliance of the expanded mandatory enrollment process for IHSS providers shall not exceed \$1,605,981. The funding sources include 50% Federal (\$802,991), 35% State (\$562,093) and 15% Net County Cost (\$240,897).

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On September 14, 1999, the County entered into Agreement 72426 with PASC pursuant to Los Angeles County Code 3.45.130 to specify the purposes, scope or nature of the agreement, the roles and responsibilities of each party, including provisions which ensure compliance with all applicable State and federal labor laws, and compliance with all statutory and regulatory provisions applicable to the delivery of IHSS.

New legislation, Assembly Bill, Fourth Extraordinary Session (ABX4 4) (Chapter 4, Statutes of 2009) has expanded mandatory provider enrollment requirements for all IHSS providers effective November 1, 2009. ABX4 amended Welfare and Institutions Code (WIC) Section 12305.81 to require that the Provider Enrollment Form (SOC 426) be submitted to the County by all providers in person. In addition, ABX4 19 (Chapter 17, Statutes of 2009) mandates that all current and new/prospective providers submit fingerprints and undergo a Criminal Background Investigation, sign the IHSS Provider Enrollment Form (SOC 426) and the new Provider Enrollment Agreement Form (SOC 846). New and/prospective providers must attend an orientation and current providers must receive the orientation material. Therefore, it is the intent of each entity to work in collaboration to ensure all current and prospective IHSS providers comply with the expanded mandatory provider enrollment requirements as required by the California Welfare and Institutions Code.

Amendment 17 has been approved as to form by County Counsel and the Board letter has been approved by the Chief Executive Office.

IMPACT ON CURRENT SERVICES

The recommended action may eliminate providers who do not comply or do not pass background checks, potentially putting IHSS consumers at risk. Impacted consumers may contact the IHSS registry to obtain a new provider.

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CONCLUSION

Upon Board approval and execution, the Executive Officer, Board of Supervisors, is requested to return three adopted stamped Board letters to the Director of DPSS.

Respectfully submitted,

Philip L. Browning

Director

PLB:mp

Enclosure

c: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors
Deputy Chief Executive Officer

AMENDMENT NUMBER 17 TO AGREEMENT NO. 72426 BETWEEN COUNTY OF LOS ANGELES

AND LOS ANGELES COUNTY PERSONAL ASSISTANCE SERVICES COUNCIL

THIS AMENDMENT is made and entered into this _____ day of December 2009 by and between the County of Los Angeles, herein referred to as COUNTY, and the Los Angeles County Personal Assistance Services Council ("PASC").

WHEREAS, reference is made to the document entitled "AGREEMENT BY AND BETWEEN COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY PASC." dated September 14, 1999, and further indentified as County Agreement No. 72426. Amendment Number 1, dated October 24, 2000, Amendment Number 3 dated November 20, 2002, Amendment Number 4, dated June 22, 2004, Amendment Number 5, dated October 28, 2004, Amendment Number 6, dated June 30, 2005, Amendment Number 7, dated July 28, 2005, Amendment Number 8, dated October 26, 2005, Amendment Number 9, dated June 29, 2006, Amendment Number 10, dated August 10, 2006, Amendment Number 11, dated March 30, 2007, Change Notice #1, dated October 16, 2007, Amendment Number 12, dated April 16, 2008, Amendment Number 13, dated June 25, 2008, Amendment Number 14, dated March 2, 2009, Amendment Number 13, dated June 25, 2008, Amendment Number 14, dated March 2, 2009, Amendment Number 15, dated June 29, 2009, and Amendment Number 16, dated June 29, 2009 and hereinafter referred to as "Agreement."

WHEREAS, said Agreement provides that all changes may be made in the form of a written amendment which is formally approved and executed by both parties; and

NOW THEREFORE, the parties hereby agree as follows:

This amendment shall become effective upon execution by both parties.

- I. Section IV. **FISCAL PROVISIONS** is revised to add the following Subsection:
 - 5.9 The County agrees to appropriate funds not to exceed \$1,600.000.00 as detailed in the budget in Attachment O, for the compliance of the new mandated enrollment process for IHSS providers.
- II. Section V. FURTHER TERMS AND CONDITIONS is revised to add the following Subsections:
 - 27.0 WARRANTY OF COMPLAINCE WITH COUNTY'S DEFAULTED PROPERTY TAX REDUCTION PROGRAM

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CONTRACTOR acknowledges that COUNTY has established a goal of ensuring that all individuals and businesses that benefit financially from COUNTY through Contract are current in paying their property tax obligations (secured and unsecured roll) in order to mitigate the economic burden otherwise imposed upon COUNTY and its taxpayers.

Unless CONTRACTOR qualifies for an exemption or exclusion, CONTRACTOR warrants and certifies that to the best of its knowledge it is now in compliance, and during the term of this Contract will maintain compliance, with *Los Angeles County Code Chapter 2.206*.

28.0 TERMINATION FOR BREACH OF WARRANTY TO MAINTAIN COMPLIANCE WITH COUNTY'S DEFAULTED PROPERTY TAX REDUCTION PROGRAM

Faliure of CONTRACTOR to maintain compliance with the requirements set forth in Section 27.0 "Warranty of Compliance with County's Defaulted Property Tax Reduction Program" shall constitute default under this Contract. Without limiting the rights and remedies available to COUNTY under any other provision of this Contract, failure of CONTRACTOR to cure such default within ten (10) days of notice shall be grounds upon which COUNTY may terminate this Contract and/or pursue debarment of CONTRACTOR, pursuant to County Code Chapter 2.206.

- III. Section VI. **INVOICING** is deleted in its entirety and replaced with the following:
 - 1.1 PASC shall prepare and submit on a monthly basis, three (3) original invoices to the CCA within fifteen (15) calendar days following the end of the month in which services were incurred. Failure to submit timely and accurate monthly invoices will result in delays in payment.
 - 1.1.1 The first invoice shall detail the amounts expended by the PASC Administrative and Health Benefits Administrative expenditures.
 - 1.1.2 The second invoice shall detail the IHSS providers Healthcare premiums.

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- 1.1.3 The third invoice shall detail the amounts expended by the PASC for the new mandated enrollment process for IHSS providers.
- 1.1.4 Each invoice shall contain itemized expenditures to validate the invoice amounts.
- 1.2 PASC shall submit supporting documents which may include, but not limited to receipts, at the request of the CCA or alternate.
- 1.3 PASC shall submit its invoices to the attention of the CCA at the following address, and to such additional addresses as may be directed in writing from time to time by the CCA:

Department of Public Social Services Contract Management Division, Section II 12900 Crossroads Parkway South, 2nd Floor City of Industry, CA 91746-3411 Attention: Aileen Nunez-Castillo, CCA

ATTACHMENT A, STATEMENT OF RESPONSIBILITIES is revised to add Section 9.0 **NEW ENROLLMENT REQUIREMENTS FOR IHSS PROVIDERS** as a new component to this agreement as follows:

9.0 <u>NEW ENROLLMENT REQUIREMENTS FOR IHSS PROVIDERS - STATEMENT OF WORK:</u>

9.1 OVERVIEW

New legislation, ABX4 4 (Chapter 4, Statutes of 2009), and ABX4 19 (Chapter 17, Statutes of 2009) has expanded provider enrollment requirements effective November 1, 2009.

ABX4 4 amended Welfare and Institutions Code (WIC) section 12305.81 to require that the SOC 426, Provider Enrollment Form (Attachment I) be submitted to the county by all providers in person.

ABX4 19 mandates that all current and new/prospective providers, both as defined below, take the following steps:

Pursuant to WIC section 12301.6 and 12305.86, submit fingerprints and undergo and pass a Criminal Background Investigation (CBI);

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- 2. Pursuant to WIC section 12301.24, new/prospective providers must attend a provider orientation (developed by CDSS in collaboration with California State University Sacramento) to obtain information about IHSS rules and requirements for being a provider. Current providers must review similar information, but are not required to attend the orientation; and
- 3. Pursuant to WIC section 12301.24, complete and sign the SOC 426 and sign the new SOC 846, Provider Enrollment Agreement (Attachment J) stating that they understand and agree to the rules and requirements for being a provider under the IHSS Program.

A current provider is one that is **known** to the Case Management, information and Payrolling System (CMIPS) prior to November 1, 2009 and input after January 1, 2001. These providers have until June 30, 2010, to comply with the new enrollment requirements to continue receiving payment as an IHSS provider.

A **new/prospective** provider is one **not known** to CMIPS, prior to November 1, 2009. These providers must comply with all new enrollment requirements before they can be enrolled and paid as an IHSS provider.

9.2 <u>COUNTY RESPONSIBILITIES FOR NEW ENROLLMENT</u> REQUIREMENTS FOR IHSS PROVIDERS

- 9.2.1 The COUNTY shall continue to provide the PASC limited access to CMIPS for the purpose of the new enrollment requirements for IHSS providers.
- 9.2.2 The COUNTY shall request that the State provide PASC with full access (with the maximum access hours permitted) to the new CMIPS ENRL provider screen to input whether a provider has cleared a CBI, attended an orientation session, and/or completed all necessary SOC forms. If PASC encounters any problems or limitations with inputting provider data into the ENRL screen, the PASC shall contact the COUNTY designated liaison, who shall then be responsible for inputting the data into the ENRL screen.

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- 9.2.3 The COUNTY, in collaboration with the PASC, shall develop a notice to all new/prospective providers informing them of the new provider enrollment requirements as set forth above, and referring them to the PASC for enrollment processing, orientation and CBI purposes. The COUNTY shall distribute this notice to all new/prospective providers who come to DPSS's attention.
- 9.2.4 As to current providers, the COUNTY shall have responsibility for handling the new enrollment and agreement process, including notifications, initial and follow-up procedures and contacts, distribution, collection, and retention of the requisite documents, and the input of related data into the ENRL screen. In collaboration with PASC, the COUNTY shall develop and implement a process for referring current providers to the PASC to have a CBI completed, including but not limited to, distribution of PASC prepared CBI packets and providing the PASC with a list of current providers who the COUNTY has identified as ready for a CBI, for PASC to mail out CBI packets. This referral process will be on a flow basis to avoid any backlog/log jam in processing.
- 9.2.5 The COUNTY shall provide PASC, for PASC's use as needed, to assist the COUNTY with enrollment of current and new/prospective providers, as described herein, with one original copy for reproduction purposes of State approved forms for the new enrollment process including but not limited to the SOC 426 and the new SOC 846, SOC 851 IHSS Program Notice of Provider Ineligibility (all steps not completed) (Attachment K), SOC 852 IHSS Program Notice of Provider Ineligibility (failed CBI) (Attachment L), SOC 856 Appeal Request (Attachment M) in both English as well as the various threshold languages, as soon as these forms have been translated by the State/County.
- 9.2.6 The COUNTY shall assist the PASC with outreach by distributing PASC-prepared materials regarding the new enrollment requirements to new/prospective providers through IHSS social workers at the time of initial and annual assessments.

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- 9.2.7 The COUNTY shall provide the PASC with the training curriculum for the orientation sessions for new/prospective providers.
- 9.2.8 The COUNTY shall obtain the necessary facilities/venues to accommodate the required orientation-enrollment meetings for new/prospective providers.
- 9.2.9 The COUNTY shall provide a minimum of two staff for each orientation meeting, to take the lead in processing State approved forms for the new enrollment process and the related identification and Social Security Card verification.
- 9.2.10 The COUNTY shall refer GAIN/GROW participants, by job category, to the PASC to be considered for employment as set forth in Section V. Paragraph 7 of Amendment # 10.
- 9.2.11 The COUNTY shall refer Temporary Subsidized Employment staff to PASC to be considered, at no cost to the PASC, to assist PASC in meeting its obligations with respect to the new enrollment requirements for IHSS providers.

9.3 PASC RESPONSIBILITIES FOR THE NEW ENROLLMENT REQUIREMENTS FOR IHSS PROVIDERS

9.3.1 The PASC shall operate a Call Center to assist new/prospective and current providers with the new enrollment requirements that fall within PASC's responsibility as provided herein, including but not limited to coordinating and processing CBI matters for both current and new/prospective providers, and providing orientations and assisting the COUNTY in its enrollment services for new/prospective providers only. PASC shall implement a dedicated toll-free telephone number by no later than January 15, 2010, to receive and process such matters. The toll-free telephone number shall be in operation Monday through Friday, excluding County holidays, from 8:00 a.m. to 5:00 p.m.

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- 9.3.2 The PASC shall hire required personnel, and shall give consideration to GAIN/GROW Participants, as set forth in paragraph 9.2.9 above; and maintain those personnel classifications to ensure adequate staffing is available to assist with the new enrollment responsibilities required of PASC as specified herein.
- 9.3.3 The PASC shall train PASC-provided personnel who are to be utilized in the performance of the duties required of PASC herein, regarding the new enrollment requirements for IHSS providers.
- 9.3.4 The PASC shall schedule new/prospective providers for an orientation and shall mail a "New Provider Enrollment" packet, including but not limited to State approved forms for the new enrollment process, to the new/prospective providers who are being scheduled for orientation.
- 9.3.5 The PASC shall assume full responsibility for the instructional aspects of the orientation session for new/prospective providers, using the training curriculum provided by the COUNTY, and shall also make its instructors available, at an orientation, when not engaged in instruction, to assist the COUNTY DPSS personnel in processing the participating providers.
- 9.3.6 The PASC shall provide new/prospective providers who attend an orientation session with a CBI packet and explanation as to how and where they may complete the CBI fingerprinting process. Providers will submit fingerprints for CBI based on instructions provided in the CBI packet.
- 9.3.7 The PASC shall provide the COUNTY with an initial supply of 20,000 CBI packets for current providers, within 5 business days of execution of this Agreement, and additional packets on a continuous basis, within 5 business days of request.
- 9.3.8 The PASC shall assume full responsibility for making arrangements for CBI implementation for new/prospective providers, and must also mail CBI packets to those current providers who the COUNTY has identified as ready for a CBI The PASC shall also mail CBI packets to any provider who contacts the PASC for that purpose.

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- 9.3.9 The PASC shall update the ENRL screen with orientation information, CBI results, and any other applicable information within PASC's responsibility regarding the new enrollment requirements, within the next 2 business days following acquisition of such information.
- 9.3.10The PASC shall utilize the SOC 426, SOC 851, SOC 852 and SOC 856 and any other State approved forms, if applicable, for the new enrollment process for IHSS providers.
- 9.3.11The PASC shall prepare informational materials for new/prospective providers for DPSS to distribute through IHSS Social Workers at the time of initial and annual assessments. Any such material must be approved by the COUNTY.
- 9.3.12The PASC shall track and follow up with the Department of Justice (DOJ) on pending and incomplete CBI results within 10 business days of non-receipt of a notification.
- 9.3.13The PASC shall review and process all disqualifying CBIs including but not limited to subsequent arrest/conviction notifications, obtained from the DOJ for new/prospective and current providers and shall mail SOC 852 and SOC 856 notices to those who are ineligible for IHSS employment due to having failed the CBI requirements. The PASC shall notify the COUNTY within 2 business days by providing the COUNTY with a copy of the SOC 852.
- 9.3.14By no later than June 30, 2010, the PASC, consistent with the above requirements, shall have reviewed and processed all CBI results received from the DOJ..
- 9.3.15The PASC shall, on an on-going basis, give all new/prospective providers the opportunity to comply with the orientation and CBI requirements as required herein.

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9.4 PASC REPORTING RESPONSIBILITIES FOR THE NEW ENROLLMENT REQUIREMENTS FOR IHSS PROVIDERS

9.4.1 The PASC shall submit the COUNTY with an accurate and complete statement of cost and invoices, and other such data as required by the COUNTY, State of California and federal governments related to the new provider enrollment requirements by the 15th calendar day of the following month for the previous month's expenditures to the CCA to ensure timely service payment. These new invoices shall specify actual cost related to the new enrollment requirements for IHSS providers and shall be a separate invoice from the PASC's regular administrative invoices.

9.5 <u>JOINT RESPONSIBILITIES FOR THE NEW ENROLLMENT</u> REQUIREMENTS FOR IHSS PROVIDERS

9.5.1 For the purpose of the new enrollment requirements for IHSS providers, the PASC and COUNTY shall jointly develop a Communication & Outreach Notice, which shall include the COUNTY's and PASC's toll free call center numbers to share upon request with all current requesting IHSS providers or new/prospective IHSS providers, requesting IHSS Consumers, requesting members of the public, and PASC's public email/publications list. The notice shall also describe the new requirements for IHSS provider eligibility. The COUNTY shall be responsible for the cost of printing and mailing this Notice.

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- 9.5.2 The COUNTY and the PASC shall co-facilitate the orientation/enrollment sessions for new/prospective providers. PASC assumes full responsibility for the orientation presentation including but not limited to distributing CBI packets. The COUNTY shall take the lead in processing State approved forms for the new enrollment process and related identification and Social Security Card verification. COUNTY staff shall also be available to explain, assist and answer questions concerning the enrollment procedures and required documents (assisted by the PASC staff when not conducting the instruction session), with the goal that the orientation meeting can successfully function as a one-stop joint effort by the COUNTY and PASC to complete the eligibility process (with the COUNTY staffers taking possession of the completed enrollment documents), with only the CBI remaining to be completed thereafter.
- 9.5.3 The COUNTY and the PASC shall assist new/prospective providers at the orientation sessions with questions and/or with assistance filling out the newly revised SOC 426 and SOC 846.
- 9.5.4 The COUNTY and PASC shall monitor on a monthly basis, the quality and quantity of service delivery and review the progress and effectiveness of these new procedures for enrolling IHSS providers.
- 9.5.5 The COUNTY and the PASC shall review on a monthly basis, the number of providers served each month and those who actually undergo CBI's to determine whether there is potential for negative impact to our IHSS consumers.
- 9.5.6 The COUNTY and the PASC shall ensure that these new provider enrollment requirements are processed on a flow basis to avoid any backlog/log jam in processing.
- 9.5.7 By June 30, 2010, the COUNTY and the PASC shall have given all new/prospective and current providers the opportunity to complete the CBI as set forth by ABX4 4 (Chapter 4, Statutes of 2009), and ABX4 19 (Chapter 17, Statutes of 2009).

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9.5.8 The COUNTY and the PASC shall develop, maintain and update written procedures for complying and responding to the new enrollment requirements for IHSS providers as needed.

X. The following attachments are being added as follows:

ATTACHMENT I	SOC 426	Provider Enrollment Form
ATTACHMENT J	SOC 846	Provider Enrollment Agreement
ATTACHMENT K	SOC 851	Notice of Provider Ineligibility (not all steps
		completed)
ATTACHMENT L	SOC 852	Notice of Provider Ineligibility (failed CBI)
ATTACHMENT M	SOC 856	Appeal Request
ATTACHMENT N		PASC Line Item Budget

Except for the changes set forth herein, this Agreement should not be changed in any respect by this Amendment. All terms and conditions remain in full force and effect.

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IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be signed by the Director of the Department of Public Social Services and the PASC has caused this Contract to be signed by its duly authorized officer(s), on the day of December 2009.
COUNTY OF LOS ANGELES
Philip L. Browning, Director Department of Public Social Services
PERSONAL ASSISTANCE SERVICES COUNCIL
Chris Otero, Chair PASC Governing Board
APPROVED AS TO FORM: Robert E. Kalunian, County Counsel
By Dawyn R. Harrison Principal Deputy Counsel